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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/616,711

07/10/2003

She Shun Zhang

03-100

2619

570

7590

12/26/2006

AKIN GUMP STRAUSS HAUSER & FELD L.L.P.

ONE COMMERCE SQUARE

2005 MARKET STREET, SUITE 2200

PHILADELPHIA, PA 19103

EXAMINER

BOES, TERENCE

ART UNIT

PAPER NUMBER

3682

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

12/26/2006

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/616,711

Applicant(s)

ZHANG, SHE SHUN

Examiner

Terence Boes

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/10/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Prosecution Application***

1. The request filed on 11/16/2006 for a Continued Examination (RCE) is accepted and a continued prosecution application has been established. An action on the RCE follows.

### ***Claim Objections***

2. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 1 recites the same limitation.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winner USP 5802913 in view of McClearen.

Winner discloses:

- A housing (10) having a bore (103)
- Closed inner end (See Fig. 5 @ 103)

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- Bearing (22) having a smooth end, first and second walls forming first and second shoulders (see fig 5 below, A and B respectively)
- Slot (see Fig. 5 between housing members 11 and 12) extending part of the length of said housing (10)
- Said second wall being located within said slot (see fig 5 below)
- Operator arm (13) disposed therein about said second wall
  - The examiner notes that Webster's II New Riverside Dictionary defines about to be: close to or near to. Therefore, since the operator arm is both close to and near to said second wall, the claim limitation has been met.
- First wall (see fig. 5 below, A) with smaller diameter than second wall (see fig. 5 below, B).
- First shoulder (see fig 5 below, A) rests against a first wall (11) of slot (see Fig. 5).
- Second shoulder (see fig 5 below, B) rests against a second wall (12) of slot (see fig 5 below, B)
- First wall has a round corner (shaft is round and has corner therefore has a "rounded corner")
- Operator arm (13) has a head part containing a gear section (34), gear section communicable with a crank operator (101)
- Crank operator (101) having a worm gear (14) positioned to communicate with operator arm gear section (34)

Art Unit: 3682

- Housing (10) included a base (18), substantially flat with a lower portion on one end.

Winner does not disclose:

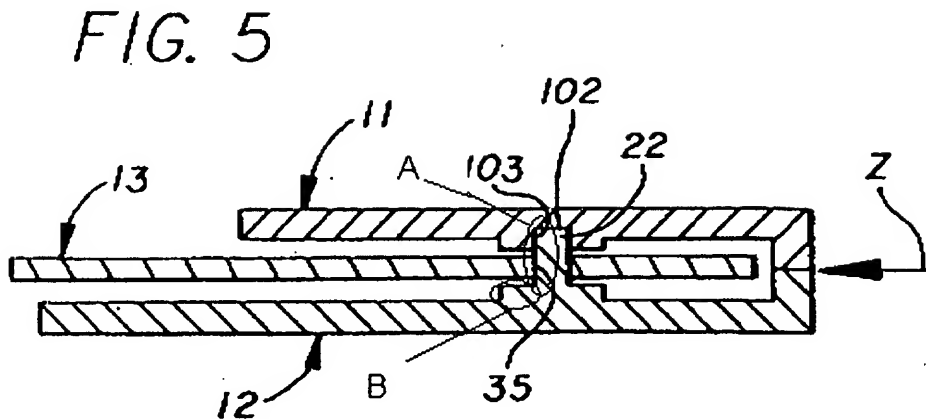
- Bore with outer threaded end
- Bearing with an opposite threaded end threaded into said threaded end

McClearen teaches a bore (see Fig. 5 bore through 28) with an outer threaded end for the purpose of providing a novel means whereby a closure, such as a window or door, may be operated easily (P1/L1-3), and for the purpose of providing replaceable wear components as is well known by those normally skilled in the art.

It would have been obvious to one having ordinary skill in the art at the time of the invention to provide the device disclosed by Winner with a bore with an outer threaded end to provide a novel means whereby a closure, such as a window or door, may be operated easily), and for the purpose of providing replaceable wear components as is well known by those normally skilled in the art.

McClearen teaches a bearing (29) with an opposite threaded end threaded into said threaded end [of bore] to mount one end of an arm (P2/C2/L1,2).

It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided a bearing with an opposite threaded end threaded into said threaded end of bore to mount one end of an arm.



### ***Response to Arguments***

4. Applicant's arguments filed 11/16/2006 have been fully considered but they are not persuasive. Applicant Argues:

1. Winner in view of McClearen does not disclose "...an operator arm disposed in said slot about said second wall...."

a. In response, the examiner notes the term about is defined as close to or near to. Since the operator arm is close to said second wall the claim limitation has been met.

2. "It was agreed that if claim 1 were amended to recite ...an operator arm is disposed in the slot **about** said second wall it would define over the rejection of claim 1".

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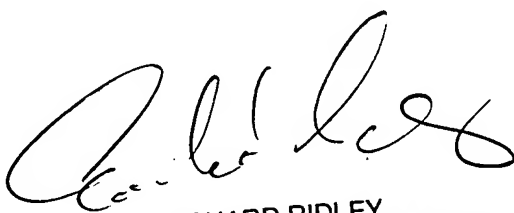
- a. In response, the examiner notes the interview summary dated 10/26/2006 states "...an operator arm **surrounding**...". The examiner suggests the term --surrounding--.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terence Boes whose telephone number is (571) 272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB  
12/20/06



RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER